

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, William Bischoff, Patricia Dziubek, Frank Mazza.

Absent: None

Others Present: J. Peter Jost, Esq., Attorney, John Reymann, Twp. Engineer, Grace Brennan, CFO, Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

- a. Regular and Executive Session Meeting Minutes of February 20, 2008.

Mr. Severino made a motion to approve the said minutes. Mrs. Dziubek seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

- b. Special 2008 Budget Workshop Meeting and Executive Session Meeting Minutes of March 3, 2008.

Mr. Severino made a motion to approve the said minutes. Mrs. Dziubek seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

VISITORS

- a. Bobby DeFazio – Attending Township Committee Meeting as part of a project for his Social Study Class.

At this time, Mayor Mazza asked the Committee to approve comments concerning proposed new COAH regulation drafted by Mary Beth Lonergan.

Mrs. Dziubek said that the deadline for submission is March 22nd, adding that the draft was sent to her by e-mail this afternoon as well as to all the members. The Clerk gave committee members hard copies. Mrs. Dziubek asked Ms. Lonergan to provide all Committee members with a final copy with the comments. Also said Mr. Koenig, Special Counsel on COAH, approved drafted comments. Mrs. Dziubek attended a meeting held at the County with representatives from the County, State and New Jersey League of Municipalities regarding COAH comments. It was a very vivacious discussion. Various issues arose regarding the comments, such as unfairness of the way determinations were made, especially when open space is concerned. Growth share ordinances and the percentage that is charged to developers were also concerns. Representatives from the New Jersey League of Municipalities encouraged submitting comments. They will make certain that they are heard.

Mrs. Dziubek said that Mary Beth Lonergan asked that the comments be approved tonight and at the same time expressed her disappointment that they came in so late. She had read the comments and they are acceptable.

Mr. Severino asked if these comments are specific to our Township or just general comments on new regulations. Mrs. Dziubek responded that she feels they should be in general structure. The deadline for submission was extended to March 24th.

Mr. Severino made a motion to approve comments drafted by Ms. Lonergan and that the comments be forwarded to the State COAH office. Mr. Bischoff seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 3/01/08;3/09/08
- b. Construction Dept. – February 2008
- c. Municipal Court – February 2008
- d. Zoning Office – Jan. /Mar. 17th
- e. Environmental Commission
 - Mayor Mazza commended the Environmental Commission on the second issue of a Newsletter.
 - Mr. Nargi, Chairman of UTEC, stated that the first property management meeting was held concerning Township owned properties. Mrs. Dziubek attended the meeting as a liaison to UTEC. She said it was agreed that the Douglas property would be most suitable for immediate use. She also stated the goal is to reduce debt service on our open space and the only way to do that is by trying to come up with creative ways to achieve that goal. Michele McBride, together with Mrs. Stiger and Mr. Nargi, has taken over responsibilities regarding all properties and their possible uses. Different ideas would be presented to Committee at later time. Mr. Nargi added that he spoke with Pam Thier on possible uses for the Douglas farm, considering that the property was bought for open space.
 - Mrs. Dziubek stated that a possibility of going with a historical trust was considered for the Hoffman property, but unfortunately, we do not qualify. She mentioned the local Historical Society. Mr. Bischoff said that there are no funds available.
 - Mr. Severino asked Mr. Nargi for the report on the Hoffman property. Mr. Nargi responded that the report will be ready soon.
 - Mr. Nargi would like the Committee to adopt a resolution to increase open space tax. He said other towns charge from six to eight cents. Presently Union Township is at two (2) cents and if the public agrees to raise it another two (2) cents, it would be a great help to support our open space. He suggested the question go to the public to have consensus. Mrs. Dziubek agreed, emphasizing that we currently have half a million dollars debt service on open space. Mr. Haynes said that a referendum would have to be held in order to raise open space tax.
 - Mr. Nargi brought up the issue of trees that were planted by the Grand Colonial and are falling down. Mr. Haynes said he contacted Mr. Hintz's office. Someone from that office is going to contact the company that planted all the trees.
 - Mr. Nargi said he received a call from Joanne Sotres about cars speeding on Cooks Cross Rd. He spoke with the County about placing a speed indicator sign at that intersection. Mrs. Sotres agreed to place the sign on her property.
 - First Trail Association meeting was held earlier today. Crossing signs are going up in our Township.
 - Have drawings from John Reymann with easements markings. Mr. Nargi would like to have them converted to a PDF file.

CORRESPONDENCE

Mr. Bischoff mentioned the following:

- Asked for a brief summary on Combe Fill South litigation. Atty. Jost gave a very brief overview saying that the litigation started in the year 2000 and deals with area landfill issues going back in some cases to the 1940's.
- Letter from NJDEP regarding Clean Watersheds Needs Survey for 2008. Mayor Mazza suggested Mr. Nargi, Chairman of UTEC, look at the survey to see if it applies to our municipality.
- Letter from NJ Board of Public Utilities on Energy Analysis for 2009-2012.

- Received a summary from a meeting attended by Mr. Jost on Central Jersey Raritan Valley Transit Study and would like to make a few comments. He said the summary forecasts growth in population, household numbers and employment predictions. The forecast had presented several inconsistencies. Mr. Bischoff said he just wanted to bring it to the Committee's attention.
- Inquired if action was taken on Assembly Bill #1880 that requires voter approval on local bond debt and if there is an interest in taking action on the matter. No interest was expressed from Committee members at this time. Atty. Jost suggested contacting NJ League on Municipalities if anyone needs more information.

TAKEN OUT OF AGENDA ORDER

At about 7:45 PM Mayor Mazza asked the Committee to go into Executive Session. The following resolution was introduced for adoption:

**RESOLUTION #2008-54
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempt from the public.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Contract Negotiations and Personnel.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At approximately at 8:43 PM, Mr. Bischoff made a motion to return to the regular meeting, Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Before Grace Brennan, CFO left the meeting at 8:45 PM. Mrs. Dziubek asked Mrs. Brennan how long we could hold introduction of the budget. She answered that until decision by the State on State Police coverage charges is rendered our municipal budget would be on hold.

BACK TO REGULAR ORDER OF AGENDA

Mr. Severino mentioned the following:

- Request for a zone change Block 22 Lot 28 from Country Residential to Residential Multifamily.
Mr. Bischoff made a motion to direct the requests to the Union Township Planning Board. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.
- Notice from NJDEP about illegal dumping of 6 quarts of motor oil in Mulhockaway Creek. Would like to know if other Committee members were aware of this incident.

Mrs. Dziubek mentioned the following:

- Inquired whether driveway bond refund was issued to Toll Brothers. Driveway refunds are handled by the Construction office and Maser Consulting Atty. Jost clarified.
- A powerful letter that was sent to the Commissioner of DCA regarding COAH rules from thirteen neighboring towns.

Mr. Haynes mentioned the following:

- All subjects covered earlier in the meeting.

Mayor Mazza mentioned the following:

- A request to attend re-certification class for Vital Statistics Registrars by Darlene Beam. Cost of the seminar would have to be provided before approval.
- A request from Peter Ball, Fire Inspector to reimburse part of expenses in connection with the Spring Fire Safety Conference. **Mr. Haynes made a motion to approve Mr. Ball's request. Mr. Bischoff seconded. Motion carried by unanimous favorable roll call vote.**
- Jack Earley requested approval of payment for Tax Collectors Spring Conference. Mrs. Dziubek said that as long as office coverage is worked out between CFO and Tax Collector she has no objections. **Mr. Severino made a motion to approve the payment. Mr. Bischoff seconded. Motion carried by unanimous favorable roll call vote.**
- Approval for taking vacation days off for attending Municipal Clerk's Spring Conference by the Township Clerk. Mrs. Dziubek made a motion to approve dates for the clerk to be out of the office. Mr. Bischoff seconded. Motion carried by unanimous favorable roll call vote. Payment approval was held until next Committee meeting after costs of the conference are provided.
- Attendance at a mandatory 2008-2009 Employment Practices Liability Training Course for Managers, Supervisors and Elected Officials. Mr. Haynes questioned if the training is mandatory. Atty. Jost said that credit is issued for each individual municipal officer attending the training. Mr. Bischoff will attend the training.
- Letter announcing Municipal Court Audit on June 5, 2008

PUBLIC COMMENTS

Peter Ficano, 327 Strotz Rd., came before the Committee concerning driveway violation he received from the Township Engineer. He explained that he improved his existing driveway to prevent water and mud run-offs. He said he was not aware he was violating Township's ordinances. Atty. Jost recommended the Township Engineer and Zoning officer handle the matter. After a brief discussion, it was agreed that the Engineer would look into it.

Mr. Ficano also brought up the fact that there are no speed limit signs in the area where he lives. Absence Lack of signs permits drivers to choose their own speed. Mayor Mazza said the Township is going to look for a speed limit ordinance setting the speed limit for that area. The Road Dept. will place the appropriate signs.

PUBLIC HEARING – 2nd reading – none

OLD BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION #2008-55
UNION TOWNSHIP, HUNTERDON COUNTY
2008 WEBSITE MANAGEMENT AND MAINTENANCE SERVICE CONTRACT

WHEREAS, there exists a need for management and maintenance of an official Township of Union website; and

WHEREAS, the Township has provided funds for such services and said funds have been certified as being available by the Certified Finance Officer; and

WHEREAS, the Fitting & Zidd Internet Marketing Agency is a professional company offering website management services and has expressed a willingness to offer said services;

THEREFORE, be it resolved by the Township Committee of the Township of Union to enter into Contract with The Fitting & Zidd Internet Marketing Agency for the 2008 calendar year.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to The Fitting & Zidd Internet Marketing Agency as appropriated in the 2008 Temporary/Adopted Budget.

Date: _____

Grace M. Brennan, CFO

Mrs. Dziubek made a motion to approve the above resolution. Mr. Bischoff seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

Discussion – MIS – LUCARS Software System

Mr. Nargi spoke of the importance and benefits of having the software available to the Township. He said Zoning Officer, Rich MacManus and Darlene Beam, Construction secretary are familiar with the software. The question was raised if all Township personnel would be mandated to enter data with necessary information for the software to be useful and worth investing in. Necessity of purchasing new computers and software compatibility with computers that are presently used was also discussed. The following issues were also brought up; what is the starting point to enter data; is it going to be available on all Township owned computers and the cost of doing this.

Mrs. Dziubek addressed matters in the following resolution: COAH fee, copy of plot plans and markings of all easements. Mr. Haynes stated that he would like to have a copy for the Road Dept. records. Mr. Bischoff said he would address the issue of obligatory easement markings with the Planning Board.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION 2008-56
Re: Lakeside Estates Subdivision
Block 25, Lots 2 and 4
Henry Lewis

WHEREAS, Henry Lewis (“developer”) has requested the release of his performance guarantee for the development known as Lakeside Estates (“development”); and

WHEREAS, Township Planner Carl Hintz, P.P. has stated in a memorandum dated December 13, 2007 that all landscaping has been inspected and is in good condition in the above subdivision; and

WHEREAS, all easement and deed documents have been recorded in the Hunterdon County Clerk's office, including, drainage easements, drainage and detention basin easement, access and utility easement, dam maintenance and access easement, conservation easement, roadway dedication deeds for Race Street and Gephardt Farm Road, utility easement and pedestrian access easement; and

WHEREAS, the Hunterdon County Soil Conservation District by letter dated September 4, 2007 has confirmed that all soil erosion and sediment control practices have been satisfactorily installed and stabilized for the entire project site; and

WHEREAS, the developer's letter of credit No. 02-09 of Peapack-Gladstone Bank has been converted to a maintenance obligation in the amount of \$25,039.05 and extended to December 15, 2009; and

WHEREAS, C. Richard Roseberry, P.E. of Maser Consulting has indicated in a letter dated December 18, 2007 that his office has no objection to the Township releasing the remaining performance bond and accepting the subdivision improvements; and

WHEREAS, the developer's off-tract contribution in the amount of \$11,875.00 was paid by Mr. Lewis on 5/7/02 all COAH development fees have been paid, and the Union Township Chief Financial Officer has confirmed that there are no other financial obligations outstanding except for any remaining escrow obligation which the developer has authorized to be paid from his cash performance guarantee, and good cause appearing;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the developer's performance guarantee in the original amount of \$60,093.72 shall be discharged and released, subject to the aforementioned maintenance bond in the amount of \$25,039.05, and contingent upon verification of the Union Township Chief Financial Officer that all escrow bills have been paid and sufficient escrow remains on deposit to cover the maintenance period, and upon said certification, the said developer's performance guarantee, including the 10% portion thereof in the original amount of \$6,009.37 plus accrued interest, shall be released, less such amounts authorized by the developer to be utilized for escrow bills; and

BE IT FURTHER RESOLVED, that an ordinance shall be adopted accepting the dedication by the developer of variable width roadway along Race Street and the new municipal street known as Gephardt Farm Road; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Haynes seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

Atty. Jost asked for a motion to authorize the Mayor to sign the maintenance guarantee agreement in the amount of \$25,039.05.

Mr. Severino made a motion to authorize the Mayor to sign the above mentioned maintenance guarantee agreement. Mr. Bischoff seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

NEW ORDINANCE – 1ST Reading

Mayor Mazza read the following ordinance by title

ORDINANCE 2008-3

AN ORDINANCE APPROPRIATING THE SUM OF \$190,000.00 (\$150,000.00 FROM THE NJDOT MUNICIPAL ROAD AID PROGRAM AND \$40,000.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, STATE OF NEW JERSEY) FOR IMPROVEMENTS TO VAN SYCKELS ROAD

WHEREAS, there is currently within the 2008 Capital Fund of the Township of Union, County of Hunterdon, State of New Jersey, an item entitled Capital Improvement Fund; and

WHEREAS, there is in this fund at least \$40,000.00; and

WHEREAS, the Township Committee of the Township of Union has deemed it necessary for improvement to Van Syckels Road;

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that:

SECTION 1. The Township of Union is receiving aid from the New Jersey Department of Transportation in the amount of \$150,000.00 to be used for the funding of the aforementioned project; therefore, is hereby appropriated from the Capital Improvement Fund of the 2008 General Capital Fund the sum \$40,000.00 as follows:

State Allocation	\$150,000.00
Local Share:	<u>\$ 40,000.00</u>
Total	\$190,000.00

SECTION 2. Proceeds from any State or Federal grant(s), in addition to the amount referenced above, will be applied towards the cost of the ordinance.

SECTION 3. All Ordinances or parts of Ordinances, which are inconsistent with the terms of the Ordinance, be and the same are hereby repealed to the extent of their inconsistency.

SECTION 4. There is no debt incurred by this ordinance.

SECTION 5. This Ordinance shall take effect after proper passage and publication in accordance with law.

Mr. Severino asked if there are going to be recyclable materials from this project. Both, the Twp. Engineer and Mr. Haynes confirmed that we would get a slip with the amount of recyclables from this project.

Mr. Haynes questioned the amount of \$40,000.00 added to the ordinance. Engineer Reymann clarified that the estimated cost of this project is going to be about \$186,000.00 and out of \$180,000.00 the Township applied for, the State allocated only \$150,000.00. The Committee then was asked by Mr. Haynes if they want to commit all of \$40,000.00 to that project even if the cost is lower.

Mr. Bischoff made a motion to adopt the above ordinance on 1st reading and public hearing scheduled for April 16, 2008. Mr. Severino seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

REPORTS

- a. **Engineer's Report** – Mr. Reymann reported the following/written report submitted:

- Edna Mahon Frontage Road Connection – contacted Brian Mulcahy of NJDOT. Mr. Mulcahy will try to have a written response to Mayor Mazza’s letter within the next three (3) weeks. NJDOT does not have an agreement with a consultant for this project. Mr. Bischoff offered the name of Camille Fernacola at NJDOT, liaison to municipalities on all DOT projects.
- Grand Colonial – wrote a letter to Mr. Ali outlining issues of the site work that are starting to be outstanding at this point. Mr. Ali was informed that the performance guarantee is not going to be released until all issues are complied with.
- Miscellaneous – Joe Conry, 29 Route 635 with drainage problem; he was informed that it is a civil, not a Township matter. The same applies to 727 Marudy Drive.
Case was settled between Mr. Bossert and Mr. Frace. Driveway permit was issued to Mr. Bossert.
- Mr. Bischoff asked for item C, Perryville Dentistry, a miscellaneous issue in the engineers report to be taken off since it is not a Township matter.

b. **Attorney’s Report** – Mr. Jost reported the following:

- After a drive with the Mayor and Engineer along Rt. 173 between Exit 11 and 15, he contacted John Glynn at the County Planning Board and Peter _____ at the bureau of Traffic Engineering. They both indicated that NJDOT and Hunterdon County would cooperate to allow Union Twp. to prohibit parking in the areas recommended by the Township. DOT requires that the Township adopt a resolution requesting that the DOT ban parking for the entire length and both sides of Rt. 173 within the Township of Union. The DOT will then proceed with their resolution.
- After talking with Atty. Wilson, it is possible that the old Bonnell’s Tavern is going to be re-opened. The new owner is also going to try to revive an old liquor license if the Township Governing Body does not object.

c. **Mayor’s Report**

- Thanked Foster Wheeler for the donation of the truck and office furniture. Mayor directed the Clerk to write a thank you letter to be sent to Mr. Lee, Facility Services Manager, with copy to Mr. Anthony Scerbo, Executive Vice President and CFO.

d. **Committee Report**

Mr. Haynes reported the following:

- Asked the status of the Paris Grant. Mrs. Dziubek said we have not received anything as of yet from the County to whom we have leveraged our portion of the grant.
- Mr. Haynes inquired about the Tonnage Grant because the deadline is vastly approaching. Mr. Severino said he contacted Mr. Garrison and made him aware of the upcoming deadline.

e. **Clerk’s Report**

- Raffle License #2008-12 Acorn Montessori School Advisory Board; Casino Night; 04/05/08

Mrs. Dziubek made a motion to approve Raffle Licenses 2008-12. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

The Clerk brought up the issue of the drop-off box for tax payments. She said that the Tax Collector would prefer placing the box outside the municipal building. The Committee disapproved for the box to be outside. Consensus was to keep the box inside.

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:32 PM

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk